

**ASSEMBLY BILL**

**No. 2651**

**Introduced by Assembly Member Jones**

February 24, 2006

---

An act to amend Sections 124116.5, 124118, and 124119 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2651, as introduced, Jones. Newborns: hearing screening.

The existing Newborn and Infant Hearing Screening, Tracking, and Intervention Act, requires that every California Children's Services (CCS)-approved general acute care hospital with licensed perinatal services offer all parents of a newborn, upon birth admission, a hearing screening test for the identification of hearing loss, using protocols approved by the State Department of Health Services or its designee.

This bill would, instead, require that this hearing screening be offered by every birthing center or clinic or general acute care hospital with licensed perinatal services, and would make related changes to the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 124116.5 of the Health and Safety Code
- 2 is amended to read:
- 3 124116.5. (a) (1) Every ~~CCS-approved birthing center or~~
- 4 ~~clinic or~~ general acute care hospital with licensed perinatal
- 5 services in this state shall offer all parents of a newborn, upon

1 birth admission, a hearing screening test for the identification of  
2 hearing loss, using protocols approved by the department or its  
3 designee. ~~The department shall begin phasing in implementation~~  
4 ~~of a comprehensive hearing screening program by CCS-approved~~  
5 ~~general acute care hospitals with licensed perinatal services on or~~  
6 ~~after July 1, 1999, and a 100 percent participation shall be~~  
7 ~~achieved by December 31, 2002.~~

8 (2) In order to meet the department's certification criteria, a  
9 *birthing center or clinic or hospital* shall be responsible for  
10 developing a screening program that provides competent hearing  
11 screening, utilizes appropriate staff and equipment for  
12 administering the testing, completes the testing prior to the  
13 newborn's discharge from a newborn nursery unit, refers infants  
14 with abnormal screening results, maintains and reports data as  
15 required by the department, and provides physician and  
16 family-parent education.

17 (b) A hearing screening test provided for pursuant to  
18 subdivision (a) shall be performed by a licensed physician,  
19 licensed registered nurse, licensed audiologist, or an  
20 appropriately trained individual who is supervised in the  
21 performance of the test by a licensed health care professional.

22 SEC. 2. Section 124118 of the Health and Safety Code is  
23 amended to read:

24 124118. The department or its designee shall provide every  
25 ~~CCS-approved birthing center, or clinic,~~ acute care hospital that  
26 has licensed perinatal services ~~or a CCS-approved, or neonatal~~  
27 ~~intensive care unit (NICU), or both,~~ as specified in Section  
28 123975, written information on the current and most effective  
29 means available to screen the hearing of newborns and infants,  
30 and shall provide technical assistance and consultation to these  
31 hospitals in developing a system of screening each newborn and  
32 infant receiving care at the facility. The information shall also  
33 include the mechanism for referral of newborns and infants with  
34 abnormal test results.

35 SEC. 3. Section 124119 of the Health and Safety Code is  
36 amended to read:

37 124119. (a) The department shall develop and implement a  
38 reporting and tracking system for newborns and infants tested for  
39 hearing loss.

1 (b) The system shall provide the department with information  
2 and data to effectively plan, establish, monitor, and evaluate the  
3 Newborn and Infant Hearing Screening, Tracking and  
4 Intervention Program, including the screening and followup  
5 components, as well as the comprehensive system of services for  
6 newborns and infants who are deaf or hard-of-hearing and their  
7 families.

8 (c) Every ~~CCS-approved birthing center or clinic or~~ acute  
9 care hospital with licensed perinatal services, or ~~CCS-approved~~  
10 NICU, ~~or both~~, in this state shall report to the department or the  
11 department's designee information as specified by the  
12 department to be included in the department's reporting and  
13 tracking system.

14 (d) All providers of audiological follow up and diagnostic  
15 services provided under this article shall report to the department  
16 or the department's designee information as specified by the  
17 department to be included in the department's reporting and  
18 tracking system.

19 (e) The information compiled and maintained in the tracking  
20 system shall be kept confidential in accordance with Chapter 5  
21 (commencing with Section 10850) of Part 1 of Division 9 of the  
22 Welfare and Institutions Code, the Information Practices Act of  
23 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of  
24 Part 4 of Division 3 of the Civil Code), and the applicable  
25 requirements and provisions of Part C of the federal Individuals  
26 with Disabilities Education Act (20 U.S.C. Sec. 1475 et seq.).

27 (f) Data collected by the tracking system obtained directly  
28 from the medical records of the newborn or infant shall be for the  
29 confidential use of the department and for the persons or public  
30 or private entities that the department determines are necessary to  
31 carry out the intent of the reporting and tracking system.

32 (g) A health facility, clinical laboratory, audiologist,  
33 physician, registered nurse, or any other officer or employee of a  
34 health facility or laboratory or employee of an audiologist or  
35 physician, shall not be criminally or civilly liable for furnishing  
36 information to the department or its designee pursuant to the  
37 requirements of this section.

O